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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,032	04/09/2001	Frank Venegas JR.	IDS-14402/14	8394
25006	7590	03/01/2006	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			WOOD, KIMBERLY T	
PO BOX 7021			ART UNIT	
TROY, MI 48007-7021			PAPER NUMBER	

3632

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,032

Applicant(s)

VENEGAS, FRANK

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is an office action for serial number 09/829,032.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brault 5,220,740 in view of Ferrari 5,833,556. Brault discloses a support apparatus comprising a sign having a rectangular post; a base (14) having a fillable body, a collar portion (near 16) including rectangular bore, a grasping handle (22), a set of wheels (12), wherein the base is fillable through the bore in the collar portion. Ferrari discloses a fillable base having a collar having an aperture, a fastener, and a post having a plurality of spaced apart through holes. Brault discloses all of the limitations of the claimed invention except for the collar having one aperture, and the post having a plurality of spaced apart through holes. It would have been obvious to one having ordinary skill in the art to

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have modified Brault to having included the collar having an aperture, a fastener, and the post having a plurality of spaced apart through holes as taught by Ferrari for the purpose of adjusting the height of the stand to accommodate various heights when used as a basketball sign support, a traffic sign, a tennis net support or badminton game apparatus as discussed in column 3, lines 3ff of Brault. The weight used to fill the base is varied depending on the height of the post as discussed in column 3, lines 28ff (Brault) and the suggestion of the apparatus being used for various signs or games provides the motivation to modify the height adjust of the post.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brault 5,220,740 in view of Wilson et al. (Wilson) 4,145,044. Brault discloses all of the limitations of the claimed invention except for the collar having one aperture, and the post having a plurality of spaced apart through holes. Wilson discloses a fillable base (20) having a collar (40) having an aperture, a fastener, and a post (44) having aperture, a fastener, and a post (44) having a plurality of spaced apart through holes. It would have been obvious to one having ordinary skill in the art to have modified Brault to having included the collar having an aperture, a fastener, and the post having a plurality of spaced apart through holes as

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taught by Wilson for the purpose of adjusting the height of the stand to accommodate various heights when used as a basketball sign support, a traffic sign, a tennis net support or badminton game apparatus as discussed in column 3, lines 3ff of Brault. The weight used to fill the base is varied depending on the height of the post as discussed in column 3, lines 28ff (Brault) and the suggestion of the apparatus being used for various signs or games provides the motivation to modify the height adjust of the post.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brault 5,220,740 in view of Cragg 6,348,028. Brault discloses all of the limitations of the claimed invention except for the collar having one aperture, and the post having a plurality of spaced apart through holes. Cragg discloses a weighted base having a collar (26) having an aperture, a fastener, and a post (30) having a plurality of spaced apart through holes (32). It would have been obvious to one having ordinary skill in the art to have modified Brault to having included the collar having an aperture, a fastener, and the post having a plurality of spaced apart through holes as taught by Cragg for the purpose of adjusting the height of the stand to accommodate various heights when used as a basketball sign support, a traffic sign, a tennis net support or badminton

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game apparatus as discussed in column 3, lines 3ff of Brault. The weight used to fill the base is varied depending on the height of the post as discussed in column 3, lines 28ff (Brault) and the suggestion of the apparatus being used for various signs or games provides the motivation to modify the height adjust of the post.

Response to Arguments

Applicant's arguments with respect to claims 1 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art teaches conventional stands including a base and a post.

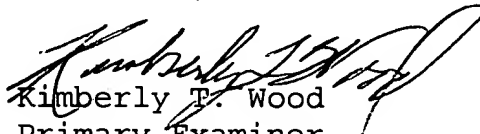
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

February 21, 2006